

EXHIBIT-A

## IDENTIFICATION OF REQUESTOR

NAME: KEITH MARVELL WALTON CERTIFIED MAIL NO. \_\_\_\_\_ALIAS: KEITH MARVEL WALTONDATE OF BIRTH: 10/20/1970REG. NO.: # 27584-077ADDRESS: USP Terre HauteP.O. BOX 33Terre Haute, IN 47808

USA vs. KEITH MARVEL WALTON

CR.NO.: # SAC-CR-16-00029-CJC-4FBI. NO.: # 949377JAO

TO: ATF FIELD OFFICE-SANTA ANA  
U.S. DEPARTMENT OF JUSTICE  
34 CIVIC CENTER PLAZA, STE.# 6121  
SANTA ANA, CA 92701

RE: FREEDOM OF INFORMATION ACT (U.S.C. 552), PRIVACY ACT (5 U.S.C. 552 a (d) (1))  
Request: EXEMPTIONS (5 U.S.C. 552 (c) (1)), GENERAL (U.S.C. 552 a (j) (2)) OR  
SPECIFIC (U.S.C. 552 a (k) (2)) NOT APPLICABLE TO THIS REQUEST.

Dear Sir/Ms.:

This letter will serve as my request pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a (d) (1)), and the applicable State Statutes governing Freedom of Information Requests if state agency request, for full disclosure and release of all records and / or data contained in the files of your agency, and specifically under my name and / or an identifier assigned to my name. The records sought but not limited to, is the compiled file containing (1) arrest records, (2) investigation and / or investigatory reports, (3) reports or evidentiary and / or scientific information findings, (4) wants, warrants, and / or detainers, (5) final and closing investigation reports; and (6) any and / or all information, data, or reports not otherwise exempt by statute (5 U.S.C. 552 (c) (1)), (5 U.S.C. 552 a (j) (2), (k) (2), or law, *Tarleton v. Saxbe*, 507 F.2d. 1116. 165 U.S. App. D.C. 293 (1974), *Menard v Saxbe*, 498 F.2d. 1017, 162 U.S. App. D.C. 284 (1974), *Sullivan v. Murphy*, 478 F.2d. 938, 156 U.S. App. D.C. 28 (1973). Your Agency is advised that the investigation reports in toto are no longer accorded exempt status unless under the specific exemption noted, and only with reference to specific citation of authority, *Paton v. La Prade*, 524 F.2d. 862, 868-69, (CA3 1975).

SPECIFIC REQUESTS: I am hereby formally requesting a complete copy of the entire criminal/agency file; ATF filed report(s); case summaries; NCIC printout(s); ballistics report(s); fingerprint analysis; warrant(s); picture(s); audio/video tape recording(s); confession(s); written statement(s); social media searches & result(s); authorization for use of surveillance technology/video footage (i.e. surveillance video footage itme(s) #062); ATF Officer's; Agostino Brancato, Brian C. Ingargiola; and Eric D. Harden, filed report(s), note(s), and file(s); authorization for use of stingray technology; weapon(s) testing; and any/all records related and/or indexing my name, in conjunction with any other criminal case/investigation conducted by this agency, to which I am entitled to under FOIA/PA provisions.

It is further requested that your Agency in response to the material requested specifically inform me if and to whom the file and / or any material therein contained has been released to any identifiable individual or agency, their name, title, purpose and need for such information; the date of such release, the specific material that was released, the person within your Agency who released such information, and the specific reference to authority, statute or regulation, governing such release (5 U.S.C. 552 a (d) (1)); Paton v. La Parde, 524 F.2d. 862 (CA3 1975), Tarlton v. Saxbe, 507 F.2d. 1116, 165 U.S. App. D.C. 293 (1974).

It is further requested that your Agency provide me with a copy of specific regulations of your Department as provided by statute (5 U.S.C. 552), so that compliance with such regulations is adhered to except as otherwise provided by law (5 U.S.C. 701 et. seq.).

If and for any reason you choose not to send me any of the documents or papers requested, then please provide me with a "Vaughn Index" as set forth in Vaughn v. Rosen, 484 F.2d. 820 (D.C. Cir. 1973).

If and for any reason it is determined that portions of the material and records sought is exempt by statute (5 U.S.C. 552 (c) (1), 552 a (j) (2), (k) (2) or by regulation (Menard v. Mitchell, 430 F.2d. 486, 139 U.S. App. D.C. 113 (1970), Nemetz v. Department of Treasury, 446 F. Supp. 102, (N.D. Ill. 1976)), I request specific citation to authority for such deletion, Chastain v. Kelly, 510 F. 2d. 1232 (D.C. Cir. 1975). I further agree to pay any reasonable costs, or file IN FORMA PAUPERIS if I am indigent, provided by statute or regulation of your agency, for search and copying of the material requested.

Pursuant to Title 5 U.S.C. 552 (d) (A), it is noted that your Agency has twenty (20) working days following receipt of this request to provide the information and material sought. Should any delay occur, it is requested that your Agency inform me of this delay as provided by Agency regulations and the date as to when your Agency will be able to act upon request.

Yours truly,

X *K. Walton*

Mr. Keith Marvel Walton =Requestor

Dated: March 29, 2020

EXHIBIT-A  
(Two Sides)

U.S. Department of Justice

## Certification of Identity

**Privacy Act Statement.** In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester <sup>1</sup> KEITH MARVEL WALTON # 27584-077 ;a/k/a: Keith Marvell Walton

Citizenship Status <sup>2</sup> U.S. Citizen Social Security Number <sup>3</sup> \*\*\*/\*\*/ 7983

Current Address USP Terre Haute, P.O. BOX 33, Terre Haute, IN 47808

Date of Birth 10/20/1970 Place of Birth Los Angeles, CA (USA)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature <sup>4</sup> *K. Walton* Date March 29, 2020  
Mr. Keith Marvel Walton-Requestor

**OPTIONAL: Authorization to Release Information to Another Person**

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

**Print or Type Name**

<sup>1</sup> Name of individual who is the subject of the record sought.

<sup>2</sup> Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

<sup>3</sup> Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

<sup>4</sup> Signature of individual who is the subject of the record sought.

EXHIBIT-A

7017 2620 0000 1360 8329

**U.S. Postal Service™** **POST-107**  
**CERTIFIED MAIL® RECEIPT** **AZ**  
*Domestic Mail Only*

For delivery information, visit our website at: [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

Certified Mail Fee	\$	Keith M. Walton
Extra Services & Fees (check box, add fee as appropriate)		#27584-077
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$	USP/AZ # 127(L)
<input type="checkbox"/> Return Receipt (electronic)	\$	Postmark
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	Here
<input type="checkbox"/> Adult Signature Required	\$	30 2020
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	USPS
Postage	\$	
Total Postage and Fees	\$	
Sent To	AIF FIELD OFFICE-SANTA ANA	
Street and Apt. No., or PO Box No.	34 CIVIC CENTER PLAZA #6121	
City, State, ZIP+4®	SANTA ANA, CA 92701	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

EXHIBIT-B

KEITH MARVELL WALTON # 27584-077  
UNITED STATES PENITENTIARY TERRE HAUTE  
P.O. BOX 33  
TERRE HAUTE, IN 47808

JUNE 10, 2020

U.S. DEPARTMENT OF JUSTICE  
OFFICE OF INFORMATION POLICY  
441 G. STREET, NW-SIXTH FLOOR  
WASHINGTON, DC 20530-0001

RE: FOIA/PA PRIVACY ACT REQUEST APPEAL; DENIAL OF ACCESS OF RECORDS  
PURSUANT TO 5 U.S.C. 552(A)(6); 5 U.S.C. 552a

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Dear Staff;

This is a formal appeal from the denial of records by the office of the: U.S. DOJ-ATF FIELD OFFICE/SANTA ANA DIVISION, as noted in the attached FOIA/PA request and for the following reasons:

- (A.) On, March 30, 2020, I formally mailed a FOIA/PA request to the office of the: U.S. DOJ-ATF FIELD OFFICE/SANTA ANA DIVISION. A copy of that FOIA/PA request is hereto attached to the present appeal. I have not yet recieved any responsive records, nor have I recieved a determination on my request, within the statutory time---that being---ten (10) working days from the receipt of the FOIA/PA request under Section 552(A)(6)(i);
- (B.) The office of: U.S. DOJ-ATF FIELD OFFICE/SANTA ANA DIVISION, has literally failed to comply with the provisions of the Freedom of Information/Privacy Act, 5 U.S.C. 552a, regarding the release of records sought;
- (C.) The office of: U.S. DOJ-ATF FIELD OFFICE/SANTA ANA DIVISION, has exceeded the statutory time limits for providing the records requested.

Therefore, based upon the foregoing reasons and facts, it is legally evident that the office of: U.S. DOJ-ATF FIELD OFFICE/SANTA ANA DIVISION, has denied me access to the records/documents to which I am legally and statutorily entitled under the FOIA/PA statute(s). This appeal is being submitted in a good faith attempt to get compliance by the office of the:

EXHIBIT-B

"CONTINUED"

U.S. DOJ-ATF FIELD OFFICE/SANTA ANA DIVISION, of the statutory provisions of the FOIA/PA statute(s) regarding disclosure of record(s)/document(s) and to in an effort to avoid the unnecessary costs of litigation.

In sum, please instruct the office of the: U.S. DOJ-ATF FIELD OFFICE/SANTA ANA DIVISION, to furnish and/or to provide the FOIA/PA records as formally requested in the FOIA/PA request of March 30, 2020. I would also appreciate your formal compliance with Section 552(A)(6)(i), regarding the response time to the present appeal.

Respectfully submitted,

*x Keith Walton*

Mr. Keith Marvell Walton-Requestor

EXHIBIT-C



U.S. Department of Justice  
Office of Information Policy  
Sixth Floor  
441 G Street, NW  
Washington, DC 20530-0001

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Telephone: (202) 514-3642

June 30, 2020

Keith Walton  
Register No.27584-077  
USP Terre Haute P.O. Box 33  
Terre Haute, IN 47808

Dear Keith Walton:

This is to advise you that the Office of Information Policy (OIP) of the U.S. Department of Justice received your administrative appeal on 06/24/2020 from the ATF's failure to respond to your FOIA request.

In an attempt to afford each appellant equal and impartial treatment, OIP has adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number A-2020-01300 . Please refer to this number in any future communication with OIP regarding this matter. Please note that if you provided an email address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at (202) 514-3642. If you have submitted your appeal through FOIA STAR, you may also check the status of your appeal by logging into your account.

Sincerely,

*Priscilla Jones*

Priscilla Jones  
Supervisory Administrative Specialist



U.S. Department of Justice  
Office of Information Policy  
Sixth Floor  
441 G Street, NW  
Washington, DC 20530-0001

EXHIBIT-D  
(Two Sides)

Telephone: (202) 514-3642

Keith Walton  
Register No. 27584-077  
United States Penitentiary  
Post Office Box 33  
Terre Haute, IN 47808

July 7, 2020

Re: Appeal No. A-2020-01300  
Request No. 2020-0921  
JKD:MS

**VIA: U.S. Mail**

Dear Keith Walton:

You attempted to appeal from the failure of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to respond to your Freedom of Information Act request for access to records concerning yourself.

Department of Justice regulations provide for an administrative appeal to the Office of Information Policy only after there has been an adverse determination by a component. See 28 C.F.R. 16.8(a) (2019). As no adverse determination has yet been made by ATF, there is no action for this Office to consider on appeal.

As you may know, the FOIA authorizes requesters to file a lawsuit when an agency takes longer than the statutory time period to respond. See 5 U.S.C. 552(a)(6)(C)(i). However, I can assure you that this Office has contacted ATF and has been advised that your request is currently being processed. If you are dissatisfied with ATF's final response, you may appeal again to this Office.

This Office has forwarded a copy of your letter to ATF. You should contact ATF's Requester Service Center at (202) 648-8740 for further updates regarding the status of your request.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,



U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Investigation

Title of Investigation: Rolex Robberies	Investigation Number: [REDACTED]	Report Number: 133
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SUMMARY OF EVENT:

**EVIDENCE RECOVERED:** On June 7<sup>th</sup>, 2016, ATF Task Force Officer (TFO) Agostino Brancato contacted Los Angeles County Sheriff's Deputy Rich Jannen, of the C.C.A.S.T. Unit. Deputy Jannen provided TFO Brancato with surveillance video captured from below listed locations. TFO Brancato transferred custody of the downloaded surveillance video to Special Agent Ryan Stearman to be booked into custody as evidence.

NARRATIVE:

1. Camera "CC38" depicts surveillance video of Robert JOHNSON's place of residence, [REDACTED] West 80<sup>th</sup> Street, Inglewood California, between the dates of 4-19-16 through 6-03-16.
2. Camera "CC67" depicts surveillance video of Keith WALTON's place of residence, [REDACTED] West 84<sup>th</sup> Street, Los Angeles California, between the dates of 4-21-16 through 6-03-16.
3. Camera "MR27" depicts surveillance video of Justin HENNING's address per California DMV, [REDACTED] West 84<sup>th</sup> Place, Los Angeles California, between the dates of 4-21-16 through 6-03-16.
4. Camera "MR38" depicts surveillance video of one of Darrell DENT's place of residence, [REDACTED] Crenshaw Drive apartment [REDACTED], Inglewood, California, between the dates of 4-21-16 through 6-03-16.

PROPERTY IN ATF CUSTODY:

- Item 062: One Seagate 2TB external hard drive containing digital recordings noted above.

Prepared by: Agostino Brancato	Title: Task Force Officer, Santa Ana I Field Office	Signature: [Signature]	Date: 6/13/16
Authorized by: Brian C. Ingargiola	Title: Resident Agent in Charge, Santa Ana I Field Office	Signature: [Signature]	Date: 6-14-16
Second level reviewer (optional): Eric D. Harden	Title: Special Agent in Charge, Los Angeles Field Division	Signature:	Date: